

REMARKS/ARGUMENTS

In the Office Action mailed September 24, 2008, claims 1-7, 9, and 10 were rejected. Additionally, claim 8 was objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants hereby request reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

Objections to the Specification

The Office Action states that the disclosure is objected to because of informalities. The Office Action appears to suggest that continuation data and foreign priority claim are missing from the specification. However, the current application is a National Stage application entered under 35 U.S.C. 371. Applicants note that 35 U.S.C. 371 has no requirement to amend the specification to include a foreign priority claim. Therefore, Applicants respectfully decline to amend the specification as suggested.

Allowable Subject Matter

Applicants appreciate the Examiner's review of the claims and determination that claim 8 recites allowable subject matter. In particular, the Office Action states that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Additionally, while the Office Action provides a statement of reasons for the indication of allowable subject matter, the Office Action's statement is directed to specific aspects of certain claims and not necessarily all of the claims. Applicants note that the Office Action's comments may have paraphrased the language of the claims and it should be understood that the language of the claims themselves set out the scope of the claims. Thus, it is noted that the claim language should be viewed in light of the exact language of the claim rather than any paraphrasing or implied limitations thereof.

Claim Rejections under 35 U.S.C. 103

Claims 1-7, 9, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matero (U.S. Pat. No. 6,215,988, hereinafter Matero) in view of Van Rooyen (U.S. Pat. No. 7,263,146, hereinafter Van Rooyen). However, Applicants respectfully submit that these claims are patentable over Matero and Van Rooyen for the reasons provided below.

Independent Claim 1

Claim 1 recites a receiver “arranged to simultaneously receive at least a first (S1) radio frequency signal having a first frequency band (1) and a second radio frequency signal (S3) having a second frequency band (3) that is at least partly overlapping the first frequency band (1)” (emphasis added).

In contrast, the combination of cited references does not teach simultaneously receiving signals within a second frequency band which at least partially overlaps a first frequency band, as recited in the claim. The Office Action relies on Matero as purportedly teaching the indicated limitation. However, Matero does not teach simultaneously receiving signals with a second frequency band that is at least partly overlapping a first frequency band. Additionally, the Office Action does not assert that Van Rooyen might teach the indicated limitation.

Matero generally describes a dual band wireless user terminal such as a cellular telephone. Matero, col. 1, line 66, through col. 2, line 3. The dual band terminal includes a dual band transceiver with a dual band receiver and a dual band transmitter. Matero, col. 2, lines 13-27. The dual band receiver receives radio frequency (RF) signals in a first frequency band and in a second, higher frequency band. Matero, col. 2, lines 22-24. Similarly, the dual band transmitter transmits radio frequency (RF) signals in a first frequency band and in a second, higher frequency band. Matero, col. 2, lines 24-26.

Matero specifically identifies the first and second frequency bands. Matero states that the first frequency band includes frequencies in the ranges of 890-915 MHz and 935-960 MHz or, alternatively, in the ranges of 829-849 MHz and 869-894 MHz. Matero, col. 2, lines 64-67. The second frequency band includes frequencies in the ranges of 1710-1785 MHz and 1805-1880 MHz or, alternatively, in the ranges of 1850-1910 MHz

and 1930-1990 MHz. The following table summarizes the possible frequencies described in Matero.

	Frequency Range (MHz)	
	<u>First Embodiment</u>	<u>Second Embodiment</u>
First Frequency Band	890-915 935-960	829-849 869-894
Second Frequency Band	1710-1785 1805-1880	1850-1910 1930-1990

From this table, it is apparent that the first and second frequency bands described in Matero do not overlap. More specifically, the listed frequencies of the second frequency band do not overlap with the listed frequencies of the first frequency band. Although some of the frequencies in the first and second embodiments of the first frequency band overlap, and some of the frequencies in the first and second embodiments of the second frequency band overlap, none of the frequencies in the second frequency band overlap with the frequencies in the first frequency band.

Moreover, the Office Action appears to rely on the overlapping embodiments of a single frequency band, but the Office Action does not acknowledge the separation between the first and second frequency bands. For example, the Office Action points out that the frequency range 890-915 partially overlaps with 829-849. However, these frequency ranges are merely different embodiments of the same frequency band (i.e., the first frequency band). Similarly, the Office Action points out that the frequency range 1805-1880 partially overlaps with 1850-1910. However, these frequency ranges are merely different embodiments of the same frequency band (i.e., the second frequency band). While some of the potential frequency ranges within the same frequency band might overlap, Matero does not teach simultaneously receiving multiple signals within a single frequency band. Rather, Matero merely teaches transmitting and receiving in dual frequency bands, where one signal is in the first frequency band, and the other signal is in the second frequency band. Hence, the overlapping of different frequencies within the

same frequency band is insufficient to teach overlapping frequencies within different frequency bands.

For the reasons presented above, the combination of Matero and Van Rooyen does not teach all of the limitations of the claim because Matero does not teach simultaneously receiving signals within a second frequency band which at least partially overlaps a first frequency band, as recited in the claim. Accordingly, Applicants respectfully assert claim 1 is patentable over the combination of Matero and Van Rooyen because the combination of Matero and Van Rooyen does not teach all of the limitations of the claim.

Independent Claim 4

Applicants respectfully assert independent claim 4 is patentable over the combination of Matero and Van Rooyen at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 4 recites a transmitter “arranged to simultaneously transmit at least a first radio frequency signal (S15) having a first frequency band (1) and a second radio frequency signal (S16) having a second frequency band (3) that is at least partly overlapping the first frequency band (1)” (emphasis added).

Here, although the language of claim 4 differs from the language of claim 1, and the scope of claim 4 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 4. Accordingly, Applicants respectfully assert claim 4 is patentable over the combination of Matero and Van Rooyen because the combination of Matero and Van Rooyen does not teach simultaneously transmitting signals within a second frequency band which at least partially overlaps a first frequency band, as recited in the claim.

Independent Claim 7

Applicants respectfully assert independent claim 7 is patentable over the combination of Matero and Van Rooyen at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 7 recites a receiver

“arranged to simultaneously receive at least a first radio frequency signal (S1) having a first frequency band (1) and a second radio frequency signal (S3) having a second frequency band (3) that is at least partly overlapping the first frequency band (1)” (emphasis added).

Here, although the language of claim 7 differs from the language of claim 1, and the scope of claim 7 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 7. Accordingly, Applicants respectfully assert claim 7 is patentable over the combination of Matero and Van Rooyen because the combination of Matero and Van Rooyen does not teach simultaneously receiving signals within a second frequency band which at least partially overlaps a first frequency band, as recited in the claim.

Independent Claim 9

Applicants respectfully assert independent claim 4 is patentable over the combination of Matero and Van Rooyen at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 9 recites “receiving at least a first radio frequency signal (S1) having a first frequency band (1) and a second radio frequency signal (S3) having a second frequency band (3) that is at least partly overlapping the first frequency band (1)” (emphasis added).

Here, although the language of claim 9 differs from the language of claim 1, and the scope of claim 9 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 9. Accordingly, Applicants respectfully assert claim 9 is patentable over the combination of Matero and Van Rooyen because the combination of Matero and Van Rooyen does not teach receiving signals within a second frequency band that is at least partly overlapping a first frequency band, as recited in the claim.

Independent Claim 10

Applicants respectfully assert independent claim 10 is patentable over the combination of Matero and Van Rooyen at least for similar reasons to those stated above

in regard to the rejection of independent claim 1. In particular, claim 10 recites “transmitting at least a first radio frequency signal (S15) having a first frequency band (1) and a second radio frequency signal (S16) having a second frequency band (3) that is at least partly overlapping the first frequency band (1)” (emphasis added).

Here, although the language of claim 10 differs from the language of claim 1, and the scope of claim 10 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 10. Accordingly, Applicants respectfully assert claim 10 is patentable over the combination of Matero and Van Rooyen because the combination of Matero and Van Rooyen does not teach transmitting signals within a second frequency band that is at least partly overlapping a first frequency band, as recited in the claim.

Dependent Claims

Claims 2, 3, 5, 6, and 8 depend from and incorporate all of the limitations of the corresponding independent claims 1, 4, and 7. Applicants respectfully assert claims 2, 3, 5, 6, and 8 are allowable based on allowable base claims. Additionally, each of claims 2, 3, 5, 6, and 8 may be allowable for further reasons.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,
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